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STW

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/647,453 | 08/26/2003 | Hiroyuki Okada | 44319-069 |

Kenneth L. Cage, Esquire
 McDERMOTT, WILL & EMERY
 600 13th Street, N.W.
 Washington, DC 20005-3096



CONFIRMATION NO. 3241
 FORMALITIES LETTER



OC000000015508258

Date Mailed: 03/21/2005

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 27, 28, and 29 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$400.00 petition fee (37 CFR 1.17(f))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$400.00 petition fee (37 CFR 1.17(f))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(f)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Docket No.: 044319-0069

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|---------------------------|
| In re Application of | : | Customer Number: 20277 |
| Hiroyuki OKADA | : | Confirmation Number: 3241 |
| Application No.: 10/647,453 | : | Group Art Unit: 2643 |
| Filed: August 26, 2003 | : | Examiner: |

For: DRIVING CONTROLLER AND IMAGE SENSING APPARATUS

RESPONSE TO NOTICE OF OMITTED ITEM(S)
IN A NONPROVISIONAL APPLICATION

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Omitted Items in a Nonprovisional Application dated March 21, 2005, Applicant respectfully petitions the Commissioner to enter Pages 27, 28 and 29 in the above-identified application. Submitted herewith are the following documents for filing in the above-referenced application:

1. Pages 27, 28 and 29 as filed with the application on August 26, 2003,
2. A copy of Applicant's date stamped PTO receipt card dated August 26, 2003, which indicates a total of 126 pages of specification were submitted with the application (which includes pages 27, 28 and 29, and
3. Petition Fee of \$130.

Pages 27, 28 and 29 were deposited with the Patent and Trademark Office with the nonprovisional application papers on August 26, 2003, as evidenced by the attached copy of the stamped postcard. As shown on the postcard, a total of 126 pages of specification were submitted (which included pages 27, 28 and 29).

The Notice indicates withdrawal of a previously sent notice mailed on November 26, 2003. Applicants have not received any notice mailed November 26, 2003.

As pages 27, 28 and 29 were submitted in the original filing of the instant application, it is believed that the petition fee should be refunded to Applicant's Deposit Account.

Applicants respectfully submit copies of the above documentation in order to address the Notice of Omitted Items, and request that the official filing date of August 26, 2003 for the above-identified U.S. patent application be recognized (not the date of receipt of the documents submitted herewith).

Applicants respectfully request that the petition fee be waived in view of the U.S. Patent and Trademark Office's issuing the Notice in error, as is apparent from the evidence presented herein. If necessary to preserve the original filing date of August 26, 2003, Applicants hereby authorize the charging of the petition fee in an effort to preserve the original filing date.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time and petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

It is requested that the updated official filing receipt now be issued.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Edward J. Wise

Registration No. 34,523

**Please recognize our Customer No. 20277
as our correspondence address.**

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EJW:llm
Facsimile: 202.756.8087
Date: May 9, 2005



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|---|--|--|--|
| Applicant: <u>OKADA, Hiroyuku</u> | | Docket No. <u>44319-069</u> | |
| Title: <u>DRIVING CONTROLLER AND IMAGE SENSING APPARATUS</u> | | | |
| Date Sent: <u>8/26/2003</u> | <input checked="" type="checkbox"/> Hand Carried | <input type="checkbox"/> Fax | <input type="checkbox"/> Electronic |
| <input checked="" type="checkbox"/> Transmittal Letter | <input type="checkbox"/> Serial No. <u>NOT YET ASSIGNED</u> | <input type="checkbox"/> Cert. of Mailing | <input type="checkbox"/> Express Mail No. |
| <input type="checkbox"/> New Patent App | <input checked="" type="checkbox"/> Utility | <input type="checkbox"/> Design | <input type="checkbox"/> Cont. |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Div. | <input type="checkbox"/> PCT | <input type="checkbox"/> RCE |
| <u>126</u> pages of Specification | <input type="checkbox"/> Letter submitting | <input type="checkbox"/> pages of drawings | <input type="checkbox"/> Prov |
| <u>6</u> pages of Claims | <input type="checkbox"/> Req. for Approval of Drawing Amendments | <input type="checkbox"/> Req. for Oral Hearing | <input type="checkbox"/> Appeal Brief |
| <u>1</u> pages of Abstract | <input type="checkbox"/> Not. of Appeal | <input type="checkbox"/> Rule 312 Amendment/Letter | <input type="checkbox"/> Reply Brief |
| <u>24</u> pages of Formal Drawings | <input type="checkbox"/> Req. for Acknowledgement of Cited Art | <input type="checkbox"/> Issue Fee | <input type="checkbox"/> Publication Fee |
| <input type="checkbox"/> Small Entity | <input type="checkbox"/> Declaration/Power of Attorney | <input type="checkbox"/> Req. for Certificate of Correction | <input type="checkbox"/> Maintenance Fee for <u> </u> years after grant |
| <input checked="" type="checkbox"/> Declaration/Power of Attorney | <input type="checkbox"/> Recordation of Assignment | <input type="checkbox"/> Fee Address Indication Form | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Form PTO 1449 | <input type="checkbox"/> Petition to Commissioner | <input type="checkbox"/> Status Inquiry |
| <u> </u> copies of cited references | <input type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> Other Associate Power of Attorney | <input checked="" type="checkbox"/> Other |
| <input type="checkbox"/> Response to Missing Parts Notice | <input type="checkbox"/> Resp. to Notice to Correct App. Papers | <input type="checkbox"/> Certified Copy of Priority Doc. | <input type="checkbox"/> Claim for Convention Priority |
| <input type="checkbox"/> Certified Copy of Priority Doc. | <input type="checkbox"/> Claim for Convention Priority | <input type="checkbox"/> Response/Amendment to Office Action of | <input type="checkbox"/> Request for <u> </u> month Extension of Time |
| <input type="checkbox"/> Response/Amendment to Office Action of | <input type="checkbox"/> Request for <u> </u> month Extension of Time | <input checked="" type="checkbox"/> Charge Deposit Acct 500417\$ | <u>790.00</u> |
| Check for \$ | <input checked="" type="checkbox"/> Charge Deposit Acct 500417\$ | 790.00 | Alty Init. |
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| | | | PR. Gordon |
| CMS Descrip.: <u>1-750</u> | <u>4-40</u> | EARLY SERIAL NUMBER | |
| THE PATENT AND TRADEMARK OFFICE DATE STAMPED HEREON IS ACKNOWLEDGEMENT THAT THE ITEMS, CHECKED ABOVE, WERE RECEIVED BY THE PTO ON THE DATE STAMPED. | | | |

